

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
UNITED STATES OF AMERICA )

v. )

\_\_\_\_\_  
RICHARD BOTCHWAY )

Criminal No. 05-CR40035-FDS

**DEFENDANT'S MOTION TO SUPPRESS  
EVIDENCE SEIZED IN SEARCH OF AUTOMOBILE AND RESULTING  
STATEMENTS AND FOR AN EVIDENTIARY HEARING**

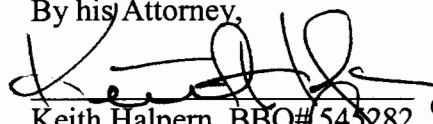
Defendant Richard Botchway hereby moves the court to suppress all evidence taken by State Police acting without a warrant from an automobile driven by Scott Wilson on July 13, 2005, including a briefcase of the defendant's that was in the trunk. Defendant Botchway was a passenger in this car. Defendant Botchway further moves that all evidence derived therefrom, including his statements, be suppressed. As grounds for this motion, defendant states preliminarily that available evidence indicates that the State Police search of the vehicle, and in particular the briefcase belonging to the defendant located in the trunk, violated the defendant's rights under the Fourth Amendment to the United States Constitution. The search of the briefcase led to the seizure of all other inculpatory physical evidence, and to all of the defendant's inculpatory statements.

An evidentiary hearing is necessary to establish that the search of defendant's briefcase was illegal and without consent.

In further support of this motion, the defendant refers the court to a preliminary supporting memorandum of law filed herewith and to the various attachments to that memorandum, including an affidavit of the defendant.

Richard Botchway

By his Attorney,

  
Keith Halpern, BBO# 545282  
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Certificate of Service

I hereby certify that I have this date served the above by causing a true copy thereof to be mailed by first class postage prepaid mail to all counsel of record.

Dated: 3/14/06

Keith Halpern:

